

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 7/17/2012	(3) CONTACT/PHONE Brian Pedrotti, Planner III / 805-788-2788	
(4) SUBJECT Hearing to consider a request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance Amendment to amend the South County Area Plan Planning Area Standards relating to the Dana Adobe site within and immediately adjacent to the community of Nipomo - LRP 2011 - 00001 (Supervisory District: 4)			
(5) RECOMMENDED ACTION That the Board of Supervisors: 1. Hold the public hearing on the amendment recommended for approval by the Planning Commission as set forth in the attached Exhibit and staff report. 2. Take final action on the amendment heard today (LRP2011-00001) by adopting and instructing the Chairperson to sign the attached ordinance.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. _30 min_) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 4			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Planner III

VIA: Kami Griffin, Assistant Director of Planning and Building

DATE: 7/17/2012

SUBJECT: Hearing to consider a request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance Amendment to amend the South County Area Plan Planning Area Standards relating to the Dana Adobe site within and immediately adjacent to the community of Nipomo - LRP 2011 - 00001 (Supervisory District: 4)

RECOMMENDATION

That the Board of Supervisors:

1. Hold the public hearing on the amendment recommended for approval by the Planning Commission as set forth in the attached Exhibit and staff report.
2. Take final action on the amendment heard today (LRP2011-00001) by adopting and instructing the Chairperson to sign the attached ordinance.

DISCUSSION

Public Hearing and Action

At today's meeting, your Board is to hold a public hearing for the following amendment and take final action.

The Planning Commission is transmitting the record of their meeting of June 14, 2012 to your Board for the attached proposed amendment to the Land Use Ordinance as follows:

A request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance (LUO) Amendment to: 1) Section 22.112.030.B (South County Planning Area Standards, Combining Designations, Historic Area (H) Dana Adobe), and 2) Section 22.112.080.G (South County Planning Area Standards, Nipomo Urban Area, Recreation – Dana Adobe). The amendment would allow the applicant to process a CUP for the site to include a visitor's center, outdoor amphitheater, Chumash Village with exhibits and interpretive features, and associated support features. The project is located on the east side of South Oakglen Avenue, approximately one mile southeast of West Tefft Street, within and immediately adjacent to the community of Nipomo, in the South County Inland planning area. Supervisory District: 3

On June 14, 2012, the Planning Commission held a public hearing to consider proposed amendments to Section 22.112.030.B and Section 22.112.080.G of the County Land Use Ordinance. After consideration of the project, the Commission recommended that the Board amend the sections as proposed with one minor revision; the description of who may use the proposed emergency access. These amendments would allow the applicant to process a Conditional Use Permit for the site to include a visitor's center, outdoor amphitheater, Chumash Village with exhibits and interpretive features, and associated support features.

The Planning Commission considered the above referenced matter and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Murphy, seconded by Commissioner Christianson and carried unanimously, recommending to the Board of Supervisors approval of this Land Use Ordinance text amendment as shown in Exhibit LRP2011-00001:B based on Findings A through D.

The amendment was referred to all applicable responsible agencies and were reviewed and approved by the Planning Commission. In addition, County Counsel reviewed and approved the ordinance as to form and content.

Findings

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 19, 2012 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, noise, public services and utilities, recreation, transportation and circulation, wastewater, water, and land use.

Land Use Ordinance

- B. The proposed amendments are consistent with the Land Use Element, Conservation and Open Space Element, Agriculture Element, Parks and Recreation Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element and with policies of the Conservation and Open Space Element, Agriculture Element, and Recreation Element.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the modifications will allow future development to be designed with maximum consideration of the characteristics of project sites and their surroundings, to enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features, to respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings and to be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by requiring future development of the Dana Adobe site to be compatible with the existing historic resources, cultural resources, and surrounding neighborhood uses, including provision of adequate emergency access as well as compatible siting and architecture for future development.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendment was referred to all applicable responsible agencies and were reviewed and approved by the Planning Commission. In addition, County Counsel reviewed and approved the ordinance as to form and content.

FINANCIAL CONSIDERATIONS

Proposed general plan amendments that are submitted by individual applicants are processed through an application fee deposit. On February 28, 2012, the Board of Supervisors approved a fee waiver for the project for a total of \$22,609.

RESULTS

Approval of the amendment will allow the applicant to process a Conditional Use Permit application for the site to include a visitor's center, outdoor amphitheater, Chumash Village with exhibits and interpretive features, and associated support features. Denial of the application will mean that the owner would not be able to process the Conditional Use Permit, as the proposed use is dependent on the construction of a Highway 101 interchange with Southland Street, a project that is not feasible due to a lack of funding and commitment from necessary agencies.

ATTACHMENTS

- Attachment A -- Exhibit LRP2011-00001:B (Signed Ordinance Amendment)
- Attachment B -- Exhibit LRP2011-00001:A (Strike out and underline version)
- Attachment C -- Planning Commission Letter
- Attachment D -- Draft Minutes from the June 14, 2012 Planning Commission Meeting
- Attachment E -- Staff Report and Mitigated Negative Declaration for the June 14, 2012 Planning Commission Meeting